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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,362	11/16/2001	Nils O. Olsson	3993968-126973	1397

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PORTER WRIGHT MORRIS & ARTHUR, LLP  
INTELLECTUAL PROPERTY GROUP  
41 SOUTH HIGH STREET  
28TH FLOOR  
COLUMBUS, OH 43215

EXAMINER

STERLING, AMY JO

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 08/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/993,362	<b>Applicant(s)</b> OLSSON ET AL.	
	<b>Examiner</b> Amy J. Sterling	<b>Art Unit</b> 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2006.  
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,7-12,22 and 26 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1,2,4,5,7-12,22 and 26 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☒ The drawing(s) filed on 16 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This is the **Final Office Action** for application number 09/993,362 Zero Looseness Fastener for Linkage Assembly, filed on 11/16/01. Claims 1, 2, 4, 5, 7-12, 22 and 26 are pending. This **Final Office Action** is in response to applicant's reply dated 6/13/06. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Applicant's amendment necessitated any new ground(s) of rejection presented in this Office action.

### ***Claim Rejections - 35 USC § 103***

Claim 1, 2, 4, 5, 7-12, 22 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5738475 to Chaban and in view of United States Patent No. 37965088 to Arff.

Chaban shows a fastener (92) and first and second links (82, 88) used in conjunction with a moveable seat track (10), the fastener rotatably connects the links while eliminating free play.

Chaban does not disclose the specific fastener as described.

The patent to Arff discloses a mounting assembly having a first rotatable member (33), having a first external surface and a thickness, a first internal surface, and a first aperture (51) with a first longitudinal length extending between the first external surface and the first internal surface, a second link (21) having a second external surface and a second thickness, a second internal surface, and a second aperture (29) with a second

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longitudinal length extending between the second external surface and the second internal surface, and a single piece fastener (59) having a head portion (61) located on the external surface of the first rotatable member and a cylindrical body portion extending therefrom and terminating at a distal end (67) opposite the head portion (61). Arff teaches a hollow rivet with a central bore having an internal diameter, wherein the central bore extends for a length less than the total length of the body portion wherein the central bore is open at the end of the body portion opposite the head portion (61) and is closed toward the head of the body portion and wherein the body portion is expanded outwardly within the apertures to engage the rotatable member (33) and the link (21).

Arff also shows wherein the body portion of the fastener extends through the first and second apertures and that the fastener has a length that is greater than the sum of the first thickness and the second thickness of the rotatable member and the second link such that when the internal face of the first rotatable member is placed against the internal face of the second link and the body portion is inserted through the first rotatable member and second link, a segment of the body portion extends beyond the member and the link, wherein the distal end of the body portion is plastically deformed to form a bulge and to form a lip (67) engaging an external surface of the second link and allows rotational movement (See Col. 3 lines 5-19) and not linear movement wherein the lip portion locks the fastener to the second link to prevent relative rotational movement while allowing the other rotatable member to rotate, wherein the central bore has a maximum internal diameter which extends through all of the second longitudinal

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length of the second aperture and more than half of the first longitudinal length of the first aperture so that the central bore extends a distance which is at least half-way through the aperture, such that the body portion which is plastically deformed into contact with the first rotatable member near the head portion (61), within the first aperture to provide surface to surface contact between the body portion and the first rotatable member from the first internal surface and extending in a direction toward the head portion for more than half the first longitudinal length of the first aperture, which eliminates free play between the first rotatable member and the fastener.

The fastener is used to allow the rotatable member and the second link to rotate, yet to securely fasten the rotatable members together. The structure can also be used without oil or a sleeve bushing. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have substituted the fastener as taught by Arff for the fastener in Chaban, in order to have an oil-less, bushing-less, secure, yet rotatable fastener.

### ***Response to Arguments***

The applicant has argued that the combination of references do not teach the limitation "whereby the fastener secures the first and second links to allow relative rotational movement between the first and second links" (See Remarks, page 8). This is unpersuasive in that the first and second links, as taught by Chaban, are "capable" of performing such a function. Specifically, Chaban states, "...the end portion 88 of the front drive link (84) and the leg (82), respectively, to lie in the plane of rotation of each

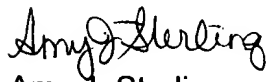
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other so as to be brought into intersecting engagement or interference upon a predetermined amount of rotation of the end portion (88)". (See Col. 6, lines 29-32).

***Conclusion***

**THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action. Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The fax machine number for the Technology center is 571-273-8300 (formal amendments) or 571-273-6823 (informal communications only). Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.

  
Amy J. Sterling  
Primary Examiner  
7/24/06